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ORIGINAL

May 20, 1996

Mr. William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; CC Docket No. 96-98

Dear Mr. Caton:

Enclosed herewith for filing are the original and sixteen (16) copies of MCI Telecommunications Corporation's Comments regarding the above-captioned matter. Pursuant to the Commission's request, MCI is also submitting by separate cover a 3.5 inch diskette using MS DOS 5.0 and WordPerfect 5.1 software, containing our enclosed comments.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI Comments furnished for such purpose and remit same to the bearer.

Sincerely yours,

Mary L. Brown

Enclosure
MLB
cc: Gloria Shambley -- 2000 M St., Suite 210 (3 copies)
ITS

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
	)	
Implementation of the Local Competition	)	**CC Docket No. 96-98**
Provisions in the Telecommunications	)	
Act of 1996.	)	

COMMENTS OF MCI TELECOMMUNICATIONS CORPORATION

Don Sussman
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MCI Telecommunications Corp.
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May 20, 1996

Summary

MCI Telecommunications Corporation ("MCI"), pursuant to the Notice of Proposed Rulemaking in the above-captioned docket hereby submits its comments on rules to implement the following requirements of Section 251 of the Telecommunications Act: dialing parity, number administration, notice of technical changes, and access to rights of way.

Dialing Parity

The 1996 Act imposes on local exchange carriers the duty to provide dialing parity to competing providers of telephone local exchange and toll service, and the duty to permit all such providers nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays. In general, dialing parity and nondiscriminatory access to these other services permit call initiation and call completion to the customer to be transparent with regard to the carrier who provides the service. Consequently, once dialing parity is in place, competition may develop based on price and quality differences.

MCI recommends that the two-PIC (primary carrier) method of presubscription be used to deploy intraLATA presubscription (ILP). This method allows a customer to select one carrier for intraLATA calls and one carrier for interLATA calls. The Commission should require end office equal access over centralized equal access. End office equal access deploys the needed software in each end office switch, enhancing redundancy and

reducing post dial delay. LEC end offices should provide intraLATA equal access within six months of the Commission's final order. BOC end offices should provide it no later than in-region, interLATA entry. Incremental costs incurred to implement dialing parity should be recovered from all carriers who carry intraLATA toll on a presubscribed basis in accordance with cost causative principles. The Commission's cost recovery mechanism should be presumed valid. States may deviate from it based on a compelling showing that a different method better achieves the Act's objectives.

Number Administration

MCI agrees that the decision in the NANP Order to establish a neutral administrator is consistent with the requirement of Section 251(e)(1). MCI urges the Commission to expeditiously designate the administrator and to select members for the NANP Council. Bellcore and the Bell Operating Companies (BOCs) maintain the ability to disadvantage competing providers by delaying or denying access to numbering resources needed to provide competition. The Commission must ensure that the BOCs comply with Section 271(c)(2)(B) and assign NXX codes in a competitively-neutral manner.

MCI agrees that the Commission should delegate to the states the authority to implement Number Plan Area code relief, and that the states should implement relief plans using the guidelines adopted in the Commission's Ameritech order, with the modifications suggested by MCI. MCI recommends that the Commission modify the Ameritech Order in two important respects. First, the Commission should state that NPA splits are the

preferred method of adding new area codes, and that overlay relief plans should only be implemented under specific circumstances. Second, the Commission should impose the following conditions on any overlay that is implemented: (1) mandatory 10-digit dialing within and between the old and new NPAs; (2) assignment of all remaining NXXs in the existing NPA to competing carriers; (3) requirement that the BOC implement permanent local number portability at the earliest date technically feasible; and (4) substantial mitigation of the cost of interim local number portability to competitive local exchange carriers pending implementation of permanent LNP

Public Notice of Technical Changes

In its Notice, the Commission reaches a number of tentative conclusions MCI believes will help new entrants to receive notice of technical changes in incumbent local exchange carrier (ILEC) networks. The Commission should create a broad definition of information, services, and interoperability: (1) information includes any information in the ILEC's possession that affects interconnectors' performance or ability to provide services; (2) services include both telecommunications services and information services; and (3) interoperability is defined as the ability of two or more facilities, or networks, to be connected, to exchange information, and to use the information that has been exchanged.

MCI believes these definitions lay a good foundation for a successful network information disclosure policy. To bring this policy to fruition, MCI recommends the Commission adopt additional interpretations and conclusions. First, ILECs must supply

information if a change would affect the quality of any telecommunications service provided over an ILEC network, including maintenance, billing, ordering and other provisioning changes which support routing, transmission, and interconnection capabilities. Second, ILECs should be required to file notices of change with the Commission, and designate a contact person capable of discussing every facility and support system affected by proposed network changes. Third, ILECs should be required to disclose technical information at the make/buy point, and at least twelve months prior to the introduction of a new service that would affect other carriers' use of the ILEC network. Finally, ILECs should be required to: (a) disclose relevant information they discover after services have been introduced if such information would have been subject to prior disclosure; and (b) wait six months before introducing a service, if the service can be introduced earlier than six months following the make/buy point.

Access to Rights of Way

MCI agrees with the Commission's conclusion that LECs are required to provide access to poles, ducts, conduits, and rights-of-way on just and reasonable rates, terms, and conditions. However, since new entrants must have equal and nondiscriminatory access to these bottleneck facilities in order to compete with the ILEC, MCI advocates that, in instances where capacity is currently or can easily be made available, LECs must provided such access on the same terms and conditions that the LEC provides to itself. In instances

where there are costs associated with freeing capacity (e.g. by reconfiguring placement of cables on poles to allow for more cables), those costs should be recovered in a competitively-neutral manner from all carriers using the facilities. Compensation for shared use of poles, ducts, and conduit should be set at total service long run incremental cost ("TSLRIC"), on the basis of proportionate space used by each carrier.

Table of Contents

I. Introduction 1

II. Dialing Parity 2

III. Number Administration 9

IV. ILECs Have a Duty to Provide Public Notice of Technical Changes 14

V. Access to Rights of Way 21

VI. Local Number Portability 25

VII. Conclusion 26

ATTACHMENT A
IntraLATA Equal Access Cases - Ordered
May 10, 1996

ATTACHMENT B
IntraLATA Cost Estimates from State Proceedings

ATTACHMENT C
Affidavits of Guggina et al.

ATTACHMENT D
MCI Letter to BellCore

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	
	)	
Implementation of the Local	)	**CC Docket No. 96-98**
Provisions in the Telecommunications	)	
Act of 1996	)	

I. Introduction

MCI Telecommunications Corporation ("MCI"), pursuant to the Notice of Proposed Rulemaking in the above-captioned docket,[1] hereby submits its comments on rules to implement the following requirements of Section 251 of the Telecommunications Act:[2] dialing parity, number administration, notice of technical changes, and access to rights of way.[3]

1/ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 96-182, released April 19, 1996 (Notice).

2/ Pub. L. No. 104-104, 110 Stat. 56, Section 251 (1996).

3/ Pursuant to the Commission's request, each paragraph is coded with a number that refers to the paragraph(s) in the Notice to which MCI responds.

II. Dialing Parity

MCI agrees with the tentative conclusions in the Notice that:

- [206, 211] Section 251 creates a duty to provide dialing parity with respect to international, interstate and intrastate, as well as both local and toll services.

- [207] Presubscription represents the most feasible method of achieving dialing parity in long distance markets.

- [214-217] "Nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listings" means that other carriers should receive the same access that the customer's local carrier receives with respect to these services.

- [216] MCI agrees with the Commission's conclusion that a customer should be able to connect to a local operator by dialing "0" or "0" plus the telephone number, regardless of his/her local telephone service provider.

- [217] MCI supports the Commission's tentative conclusion that local exchange carriers (LECs) also have the duty to resell operator services to competing providers, whether facilities-based or non-facilities-based.

In addition, MCI believes the Commission should adopt the following requirements:

- [209] The two-PIC [primary carrier] method of presubscription should be used to deploy intraLATA; presubscription (ILP).

- [212] LECs should be required to provide intraLATA presubscription within six months of the Commission's final order; BOCs should implement no later than in-region interLATA entry.

- [213] Each carrier should solicit individuals and businesses for presubscribed service.

- [219] Incremental costs incurred to implement dialing parity should be recovered from all carriers that carry intraLATA toll on a presubscribed basis in accordance with cost causative principles. The Commission should declare these principles to be presumptively valid, and permit states to deviate from national principles based upon a compelling showing that a different mechanism will better achieve the Act's objectives.

- [217] The Commission should ensure that each provider of local service has access to the directory listings of other providers. and that these directory listings are made available in readily usable format.

The 1996 Act imposes on local exchange carriers "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[4] In general, dialing parity and nondiscriminatory access to these other services permit the mechanics of call initiation and call completion to be transparent to the customer with regard to the carrier who provides the service. Consequently, once dialing parity is in place, competition may develop according to price and quality differences.

[206] MCI supports the Commission's tentative conclusion that Section 251(b)(3) creates an opportunity for customers to choose carriers to deliver their international, interstate and intrastate, as well as local and toll services. Therefore, call types subject to presubscription should include: 1+/0+ inter-exchange, 7-digit interexchange and 1-555-

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4/ Telecommunications Act of 1996, P.L. No. 104-104, 11-Stat. 56 (1996), Sec. 25(a)(3).

1212 calls. The LEC should continue to handle 411, 911, 611, O- and O+ intraexchange, and 7-digit intraexchange calls.

[207] MCI concurs with the conclusion that presubscription represents the most feasible method of achieving dialing parity in the long-distance markets. Presubscription is consistent with the definition of "dialing parity" contained in Section 3(15) of the 1996 Act.

[202-219] The two-PIC method of presubscription should be used to deploy intraLATA presubscription. This method allows a customer to select one carrier for intraLATA calls and one carrier (either the same or another) for interLATA calls. In other words, a customer could select any carrier that provides presubscribed intraLATA calling as his or her intraLATA PIC and could select the same or a different provider to carry his or her interLATA presubscribed calls. This option is sometimes referred to as the full 2-PIC because it provides an unlimited choice of participating carriers, for both intraLATA and interLATA calling.

[207, 210] This method maximizes choice for consumers. It is well defined in technical and public policy terms. Switch vendors have been aware of the 2-PIC feature since 1988 when the Minnesota Presubscription Study Committee sent its request for information to the various switch vendors.[5] The technical definition of the 2-PIC method remains unchanged since then. A review of many state task force reports shows that 2-PIC

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[5] Request for Information for Feature Development, issued by the Minnesota Equal Access and Presubscription Study Committee, dated Aug. 15, 1988.

technology is the technology that is most readily available across the range of switch vendors. The other presubscription options -- extended 1-PIC, modified 2-PIC and multi-PIC -- are either inconsistent with the expansion of competition, reduce customer choice, or are not technically feasible at this time. Furthermore, 2-PIC presubscription is the method ordered by most state commissions.[6]

[210, 218] End Office Equal Access. MCI prefers end office equal access over so-called centralized equal access. End office equal access is the form that was deployed as a result of the AT&T divestiture. As the name implies, the equal access software and features reside in each end office switch. Lack of redundancy and post-dial delay are not issues with this form of equal access. Centralized equal access is inferior to end office equal access. First, since a centralized approach requires that all end offices receive the equal access features from the tandem, any interruption in service from the tandem affects all subscribers on the system. Second, because calls must be routed from the end office to the tandem and back, significant post-dial delay can result.[7]

[213] Notification. End offices that have already been converted to interLATA equal access do not need to be balloted again for intraLATA presubscription. Instead, the industry should pursue a carrier marketing approach to presubscription. In other words, carriers would use their marketing organizations to solicit individuals and businesses for

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6/ See Attachment A, "IntraLATA Equal Access Cases - Ordered," dated May 10, 1996.

7/ In areas that would not otherwise convert to interLATA or intraLATA equal access, centralized equal access provides consumers at least a limited form of carrier choice.

presubscribed service. It should be noted that this is a significant concession by future competitors. Without balloting, the ILECs begin the competition process with 100 percent of the market.

[212] Timetable. Section 271(e)(2) requires BOCs to provide intraLATA toll dialing parity by the earlier of: (1) when it provides interLATA services in a particular state in the BOC's region, or (2) three years after enactment of the 1996 Act. LECs generally should be required to provide intraLATA presubscription within 6 months of the date of the order in this docket,[8] and in the case of the BOCs, no later than the date they are able to provide in-region interexchange services, or by February 1999, whichever is earlier.

[219] Cost Recovery. Incremental costs incurred to implement dialing parity should be recovered from all carriers that carry intraLATA toll on a presubscribed basis in accordance with cost causative principles. Costs associated with conversion to ILP should be limited to those incremental costs actually incurred to add this limited capability to a converted end office. There should be no addition for recovery of joint and common costs.

The Commission's rules for interLATA equal access presubscription offer some assistance in this respect, and they should be used as a basis for identification of ILP conversion costs. Specifically, Section 36.421 provides that equal access expenses include only initial incremental presubscription costs and other initial expenditures related directly

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8/ Based on information and belief, the technology to support two full PIC presubscription should be widely available by the end of this calender year.

to equal access.[9] Recoverable costs are limited to expenditures for converting central offices that serve competitive carriers, or offices converted because of a bona fide request (BFR).

[219] IntraLATA equal access recovery should include right-to-use fees, if any, for the 2-PIC software capabilities; the costs to modify the ILEC's internal support systems for billing toll and access; and the costs to modify the ILEC's internal support systems to maintain customer records. There should be no equal access recovery for any portion of generic upgrades or switch upgrades.[10] Generic upgrades support many services and not just the equal access feature. Further, these upgrades are recovered under the Commission's separations procedures (category three (local switching -- central office equipment)).

[219] To ensure that competing carriers are not required to engage in lengthy negotiations about cost recovery from ILECs, MCI recommends the Commission establish its cost recovery principles and methods as presumptively correct. A state would be free to reach a different decision, provided that it can make a compelling showing that a different cost recovery method better achieves the objectives of the 1996 Act to foster local competition. With respect to ILEC cost recovery issues, MCI is advocating that ILP costs

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9/ 47 CFR Section 36.421 (1995).

10/ Examples of generic upgrades would be switch changes to accommodate: (1) interchangeable area codes; (2) expansion of the carrier identification code to 101XXXX; and (3) 800 number access time requirements of not more than five seconds for 97 percent of 800 traffic.

be recovered through an additive to the local switching rate element on a per-minute-of-use basis; the additive would be separately identified in the tariff. With respect to determining the costs for ILP, MCI is recommending that the states require the ILECs to submit costs and projected minutes of use.[11] This information would be subject to review by interested parties. Cost estimates are available from some states to provide a range of costs for ILP. The range of costs for ILP has been between $2 and $10 per line.[12]

[216] Operator Services MCI agrees with the Commission's conclusion that a customer should be able to connect to a local operator by dialing "0" or "0" plus the telephone number, regardless of his/her local telephone service provider. MCI also agrees that the term "operator service" means any automatic or live assistance to the customer to arrange for billing and/or completion of a telephone call, except automatic completion with billing to the originating telephone, and completion through an access code with billing of a pre-established account. MCI supports the Commission's conclusion that ILECs also have the duty to resell operator services to competing providers, whether facilities-based or non-facilities-based.

[216-17] Directory Assistance All customers must be able to access directory assistance service and obtain a directory listing, regardless of the customer's provider or the

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11/ See Attachment B, "IntraLATA Cost Estimates from State Proceedings," dated May 3, 1996.

12/ It should be noted that these costs were reported by the ILECs with no challenge or substantive review by the parties. As such, they should be considered as worst-case costs.

requested party's provider. The 1996 Act requires access to both directory assistance and directory listings (Sec. 251(b)(3)). The Commission should ensure that each provider of local service has access to the directory listings of other providers, and that these directory listings are made available in readily usable format. MCI recommends that these listings be provided via tape or other electronic means, as is frequently the practice today between ILECs whose service areas join. Having directory listings in each carrier's own system would facilitate call completion with no unreasonable dialing delays in the most cost-effective manner. By requiring the exchange of directory listings, the Commission will foster competition in the directory services market and foster new and enhanced services in the voice and electronic directory services market.

III. Number Administration

MCI agrees with the tentative conclusions in the Notice that:

- [214] The decision in the NANP Order to establish a neutral administrator complies with the requirement of Section 251(e)(1).

In addition, MCI believes the Commission should take the following actions:

- [215] The Commission must ensure that the BOCs comply with Section 271(c)(2)(B) and assign NXX codes in a competitively-neutral manner.
- [256] The Commission should expand the Ameritech order on NPA relief plans to state that: (1) area code splits are preferred to overlays; (2) an overlay relief plan can only be implemented when it is the only practical alternative for addressing the area code exhaust; and (3) an overlay mechanism that is adopted must comply with specific conditions, described below

[214-215, 250-258] MCI agrees that the decision in the North American Numbering Plan (NANP) Administration Order to establish a neutral administrator is consistent with the requirement of Section 251(e)(1).[13] The Commission's decision to transfer administration of numbers to a neutral administrator is a tremendous step forward. However, as yet, the neutral administrator exists only in concept. MCI urges the Commission to expeditiously designate the administrator and to select members for the NANP Council. Until the administrator and Council begin functioning, numbers for interstate services are still being administered by Bellcore which is owned exclusively by the BOCs. Separately, the BOCs maintain the ability to disadvantage competing providers by delaying or denying access to numbering resources needed to provide local competition. The Commission must ensure that the BOCs comply with Section 271(c)(2)(B) and assign NXX codes in a competitively-neutral manner.[14] In these cases, the Commission should ensure that the process does not permit RBOCs and other incumbent LECs to dominate the administration of numbering resources to the exclusion of other carriers. The NANP Council can serve to assist in this function, but only to the extent its membership represents

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13/ Administration of the North American Numbering Plan, Report and Order, FCC 95-283, released July 13, 1995, recon. pending.

14/ MCI Metro has experienced problems obtaining NXX codes in several states. Some ILECs are refusing to assign NXX codes for various reasons, while others are agreeing to assign them but charging exorbitant rates for assignment and administration. Both problems affect MCI Metro's ability to compete with the ILEC since Nxxs are essential to the provision of local service. The anticompetitive effect of charging for the Nxx is that the ILEC does not charge itself for NXX administration.

the true diversity of views on these issues.[15]

In the Ameritech order, the Commission declared that overlay relief plans, proposed to alleviate Number Plan Area (NPA) code exhaust, cannot be applied to only a specific technology or service (e.g., wireless service).[16]

[254-258] MCI recommends that the Commission modify that order in three important respects. First, the Commission should state that the preferred relief mechanism for adding an area code is the NPA split. With the emergence of local competition, an overlay can be used by the ILEC for discriminatory and anticompetitive purposes. Therefore, all overlays should be suspect, not just those that discriminate on the basis of technology or service. The overlay has the same anticompetitive impact on the competing carrier whether or not the overlay is service-specific. In either case, the new, less desirable NPA will be assigned to a much higher percentage of the competing carrier's customers than to the ILEC's customers. The anticompetitive result of the overlay -- especially if implemented without the conditions recommended below -- is that the competitive carrier will be forced to try to enter new markets while offering potential customers less desirable numbers and dialing disparity. This can only have a chilling effect on local service

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15/ The Commission should direct the transfer of the Industry Numbering Committee's activities to the new NANP Council. In MCI's view, RBOC intransigence on many issues has frustrate progress. When guidelines are completed, the resulting language is often very ambiguous, leading to further needless debate. The Commission should ensure that effective policy is established which the administrator can carry out.

16/ Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, Declaratory Ruling and Order, 10 FCC Rcd 4596 (1995).

competition, at a time when laws and regulations are supposed to be creating an environment for competition.

Second, the Commission should state that an overlay relief plan can only be implemented when it is the only practical alternative for addressing the area code exhaust. Circumstances which might require an overlay rather than a split include: (1) when the NPA facing exhaust covers a single, small community of interest (i.e., inside a metropolitan area); (2) when the service area is facing multiple, nearly-simultaneous NPA exhausts; or (3) when exhaust is so imminent that a split cannot be implemented quickly enough to meet the numbering needs in the area. However, the mere presence of one or more of these circumstances should not automatically result in selection of an overlay -- there needs to be a showing that the circumstance has made adoption of a split plan practically impossible.

Third, in the event an overlay mechanism is adopted, the Commission should impose the following conditions: (1) mandatory 10-digit dialing within and between the old and new NPAs; (2) assignment of all remaining NXXs in the existing NPA to competing carriers; (3) requirement that the BOC implement permanent local number portability (LNP) at the earliest date technically feasible (currently projected as second/third quarter of 1997); and (4) substantial mitigation of the cost of interim LNP to competitive local exchange carriers pending implementation of permanent LNP.

Without mandatory 10-digit dialing, the overlay results in anticompetitive dialing

disparity between ILECs and competitive carriers because ILEC customers can continue to dial 7 digits within the NPA and are only required to dial 10 digits when calling between NPAs. As discussed above, since the majority of the numbers will remain in the old NPA -- with the ILEC's customers -- while the majority of the new numbers will be assigned to competing LECs' customers, the competing LECs' customers will need to dial 10 digits for most of their calling, while customers of the ILEC will enjoy 7 digit dialing for most of their calling.

Remaining NXXs in the depleting NPA should be assigned to competing carriers so that they have at least some opportunity to make these more desirable numbers available to their customers. Given the dialing disparity, customers may find numbers in the old NPA more desirable. The ILEC already has assigned nearly all of these numbers to its customers and, therefore, competing carriers should be assigned all NXXs remaining in the NPA. Without such a requirement, ILECs could "hoard" the dwindling supply of NXXs in an NPA facing exhaust so that they can continue to assign the more desirable numbers even after an overlay is implemented.

In an overlay situation, without local number portability, competitive LECs must require potential customers to switch not only their 7 digit numbers, but their area codes as well. This adds an even greater hurdle for customers to jump. Once permanent number portability is implemented, competing LECs can easily allow potential customers to keep their existing numbers and area codes without the loss of feature functionality and adverse

financial impact associated with interim LNP.

When the competing LEC is facing an overlay situation, it becomes even more critical to be able to offer potential customers the opportunity to keep their 7 digit numbers. Portability of the local number is highly significant. However, the interim LNP options currently offered by ILECs are not only technically inferior to permanent LNP (e.g., resulting in loss of features and functionality, as compared with ILEC services), but the ILECs have attempted to charge competing carriers substantial fees for interim LNP measures. Notwithstanding the fact that the Act requires competitively-neutral recovery of all number portability costs,[17] the costs of interim LNP to new carriers must be substantially reduced or eliminated in order to partially mitigate the competitive disadvantages of an overlay. Finally, once permanent LNP is technically feasible, which is now scheduled for second/third quarter of 1997, the ILECs should no longer be able to charge for monthly fees for these inferior interim LNP offerings.

IV. ILECs Have a Duty to Provide Public Notice of Technical Changes

[189] Section 251(c)(5) of the 1996 Act imposes a duty on ILECs to "provide reasonable public notice of changes in the information necessary for the transmission and routing of services using that local exchange carrier's facilities or networks, as well as of any other changes that would affect the interoperabililty of those facilities and networks."

17/ See MCI's comments in the local number portability proceeding, CC Docket No. 95-116, filed September 12, 1995.

MCI endorses the Commission's following tentative conclusions and believes they are necessary for new entrants to receive notice of technical changes:

- [189] Information necessary for transmission and routing should be defined as any information in the ILEC's possession that affects interconnectors' performance or ability to provide services. Services should include both telecommunications services and information services as defined in sections 3(46) and 3(20), respectively, of the 1934 Act, as amended. Interoperabililty should be defined as the ability of two or more facilities, or networks, to be connected, to exchange information, and to use the information that has been exchanged.

- [190] ILECs should be required to disclose all information relating to network design and technical standards, and information concerning changes to the network that affect interconnection. Interconnection is not separate from the process of transmitting and routing of services, and should therefore be included. At a minimum, ILECs should be required to provide information concerning (1) the date changes are to occur; (2) the location(s) changes are to occur; (3) the types of changes; and (4) the potential impact of changes.

- [191] ILECs should be required to fully disclose required technical information through industry fora and publications.

- [192] ILECs should be required to disclose publicly information within a reasonable time in advance of implementation, and make information available within a reasonable time in response to an individual request .

MCI believes the following interpretations and conclusions also are required:

- ILECs must supply information if a change would affect the quality of any telecommunications service provided over an ILEC network.

- The requirement that ILECs notify the public about network changes is not limited to cases in which a change would cause a service disruption, cancellation, or jeopardize a new service from being offered. Changes that permit service improvements as well as service degradation must be reported. All telecommunications carriers must be given an equal opportunity to take advantage of any and all changes in ILEC networks and facilities.

- Telecommunications carriers must be notified of any changes that affect facilities

and networks, including back-office capabilities such as: maintenance, billing, ordering and other provisioning changes which support routing, transmission, and interconnection capabilities.

- ILECS should be required to file notices of change with the Commission, and designate a contact person capable of discussing every facility and support system affected by proposed network changes.

- ILECs should be required to make their disclosure regarding proposed changes at the make/buy point, and at least 12 months prior to the introduction of a new service, network capability, or back-office support capability, that would affect other carriers' use of the ILEC network.

- ILECs should be required to: (a) disclose relevant information they discover after services have been introduced if such information would have been subject to prior disclosure; and (b) wait six months before introducing a service, if the service can be introduced earlier than six months following the make/buy point.

[189] Section 251(c)(3) requires ILECs to make unbundled network elements facilities available to any telecommunications carrier on a nondiscriminatory basis in order for effective competition to develop. This requires more than providing nondiscriminatory access to physical facilities, and the features, functions, and capabilities embodied in those facilities. Telecommunications carriers also must have access to the information that will permit them to use those facilities, features, functions, and capabilities efficiently and develop their own services in a timely fashion.

ILECs must provide date, location, and types of changes expected to occur

[190] In its Notice, the Commission tentatively concludes that ILECs, at a minimum, must inform the public of the date at which changes are to occur, the location at which they are to occur, the type of changes that are to occur, and the potential impact of

changes. In addition, ILECs should be required to identify one or more technically trained contact persons in its notice of change filing. These contact persons should be capable of discussing the impact on every facility and support system potentially affected by the change.

ILEC must file notice of changes with the Commission as well as industry fora

[191] The Commission tentatively concludes that "full disclosure of the required technical information should be provided through industry forums...or in industry publications. MCI has no objection to requiring ILECs to disclose notice of proposed changes through industry fora and publications, and recommends that all information regarding changes be filed at the Commission as well. Requiring ILECs to file at the Commission will establish a record that the Commission may use to establish compliance with its rules in response to a complaint proceeding. Moreover, many carriers, especially new entrants, may not have the resources to participate in the highly resource-intensive industry fora process. For these industry players, a publicly accessible file at the Commission is the only way they will receive nondiscriminatory notice of changes that may affect their business plans. Finally, MCI does not believe that industry fora or publications will permit parties affected by technical changes to receive the information in sufficient detail, objectivity, and timeliness. As the attached affidavits of Peter Guggina, Anthony Toubassi, David Jordan, and James Joerger document, the Bell Operating Companies (BOCs) have been able to use these fora to limit their competitors' access to